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08/900,360	07/25/97	OBRECHT	2569-01031

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BIRCH STEWART KOLASCH AND BIRCH  
P O BOX 747  
FALLS CHURCH VA 22040-0747

EXAMINER  
CRECCA, M

ART UNIT  
2765

PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
08/900,360

Applicant(s)  
W. Obrecht

Examiner  
Michele S. Crecca

Group Art Unit  
2765



☒ Responsive to communication(s) filed on Jul 25, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Jul 25, 1997 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed July 25, 1997 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. Although the applicant's information disclosure statement's transmittal cover letter states that the list (PTO-1449) was submitted, it was not found in the package of material. However, the examiner determined that it would be in the best interest of all concerned to proceed and consider the references submitted by the applicant. Applicant is requested to send a substitute copy of the PTO-1449 with any response to this office action.

### ***Drawings***

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. The drawings are objected to because in Figure 8 a word is missing in box S3(e). Based on other portions of the figure, the examiner has determined that the word should be "process". Please inform the examiner if this assumption is incorrect. Correction is required.

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*Specification*

4. The disclosure is objected to because of the following informalities: on page 9, last paragraph, third line, "alterative" should read "alternative".

Appropriate correction is required.

*Claim Objections*

5. Claim 19 is objected to because of the following informalities: the claim lacks a transition phrase between the preamble and the body of the claim. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

7. Claims 1-7 and 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Giovannoli (5,758,328).

Claim 1: Giovannoli teaches a "method for purchasing good or services" (abstract and fig. 2B) comprising:

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“(a) receiving a request from a buyer for goods or services...”(col. 2, lines 61-62 and claim 3, col. 8, line 59-60);

“(b) selecting at least one seller from a predetermined group of sellers...”(col. 2, lines 61-63 and claim 3, col. 8, lines 61-64);

“(c) transmitting the request of the buyer to the selected...seller of the goods or services” (col. 2, lines 65-67 and claim 3, col. 8, lines 64-66);

“(d) receiving....responses from the ...seller to the request”(col. 3, lines 1-2 and claim 3, col. 8, line 67-col. 9, line 1);

“(e) compiling information provided in the responses....(f) ranking the sellers....(g) providing the compiled responses...for access by the buyer”(col. 2, lines 50-51 and col. 3, lines 2-3 and claim 3, col. 9, lines 1-2).

Claim 2: “...a computer receives the request” (col.2, line 61).

Claim 3: “...selecting is performed by a central computer” (col. 3, lines 5-21).

Claim 4: “...transmitting is done by an internet system” (col. 3, line 67 and fig. 1).

Claim 5: “...receiving is done by the central computer” (col.3, lines 16-18).

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Claim 6: "...the compiling and ranking is performed by the central computer" (col. 2, lines 47-51).

Claim 7: "accessing by the buyer is performed by an internet connection" (fig. 1, "buyer" designations connected to the "Internet").

Claims 10-16 recite the system to be used with the method disclosed in claims 1-7 and are therefore rejected under *Giovannoli* per the arguments stated in claims 1-7 above.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8-9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Giovannoli* as applied to claims 7 and 16 above, and further in view of "*Best's Review*" (Insurer's venture onto the Internet web, July 1995) and "*Link-Up*" (Consumers buy cars via Auto-By-Tel, May 1996).

Claims 8 and 17: *Giovannoli* discloses a "method and system for purchasing goods or services" as applied to claims 7 and 16 above, however, *Giovannoli* fails to specifically recite that the goods are "selected from the group consisting of vehicles, computers, or appliances and the

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services are selected from the groups consisting of legal, financial, medical, or insurance". Articles found in "*Best's Review*" and "*Link-Up*" clearly show such implementations of the Internet.

"*Link-Up*" (see article in its entirety) describes an Internet-based system for automobile purchases based on customers obtaining quotes from qualified vendors on request. "*Best's Review*" shows the implementation of using the Internet to acquire insurance-related quotes (see article in its entirety). It would have been obvious at the time of the applicant's invention to apply the specific approach of Giovannoli's method and system to automobile and insurance goods/services as exhibited in the supporting articles. These areas of goods and services have large consumer markets and by making their purchase available via the Internet participating vendors would obtain increased sales.

Claims 9 and 18: recite "...wherein the goods are vehicles" and is rejected under Giovannoli in view of the "*Link-Up*" article per the argument stated above.

10. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and further in view of "*Link-Up*" article.

Claim 19: recites "a system for obtaining information for the purchasing of automobiles by prospective buyers" including an "input means, including a computer, for receiving a request...a selection means, including a central computer...transmission means, including an internet connection....reception means...computation means for compiling information provided in the

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response...output means...for providing the compiled responses of the selected providers for access by the prospective buyer”. Giovannoli (abstract, summary of invention and claims) teaches all points of the implementation of the system recited in claim 19, however, Giovannoli fails to specifically recite the use of the system for “automobile purchases”. The “*Link-Up*” article however, addresses the use of the Internet in the selection and purchase of automobiles. It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to use the system as taught in Giovannoli with the business application of automobile sales because the Internet offers an expanded customer-base for the dealers and would therefore increase potential sales.

Claim 20: recites “...wherein the automobile is a previously owned automobile”. Although the “*Link-Up*” article does not explicitly state that the automobiles are “previously owned,” the article does not exclude previously owned vehicles from the system. Official Notice is taken that the resale of previously owned vehicles in the consumer market at-large is old and well known in the sales industry. It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to include “previously owned” vehicles in the claimed system as they are a huge market in their own right and would provide the dealer with additional market share.



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### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A second U.S. patent by Giovannoli (5,842,178) is provided to the applicant due to its closely related subject-matter.

Two U.S. patents related to online and electronic vehicle sales are included for the applicant's information (Johnson (5,493,490) and Berent et al. (5,774,873)). U.S. patent by Bixler et al. (5,745,882) shows a system for searching classified ads, including previously owned automobiles.

Five related short articles are included for applicant's interest (PTO-892, letters "W" and "X" of page 1 of 2 and "U-X" of page 2 of 2).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Crecca whose telephone number is (703) 305-0438. The examiner can normally be reached Monday-Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.


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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

MSC

A handwritten signature in black ink, reading "Eric W. Stamber". The signature is fluid and cursive, with the first and last names being more prominent.

**ERIC W. STAMBER  
PRIMARY EXAMINER**